

**All corrections to notes on this calendar must be filed no later than 12 P.M. (noon) on 3-23-04. Documents filed after this time will not be reviewed before the hearing and will likely result in a continuance of your case. The update to these notes will be posted in the late afternoon of the following day.**

Superior Court of Calif, County of San Bernardino  
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Rancho Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KATRINA WEST

-----  
DATE: 03/29/05      TIME: 9:30    DEPT: R15P  
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CASE #: RC RS00145

CASE NAME: IN THE CONSERVATORSHIP OF MILDRED E HOWEY AKA M

HEARING:  
SECOND AND FINAL ACCT CURRENT & REPORT

COUNSEL:  
KAY POWELL                      (PET)...PRO/PER  
MILDRED E HOWEY              (PCE)...  
PUBLIC GUARDIAN              (CE )...SCOTT M RUNYAN  
AMERICAN CONTRACTORS INDEMNITY(TP )...PRO/PER  
COURT INVESTIGATOR              (PRO/PER                      )...PRO/PER

GENERAL INFORMATION No file available for review.

Rancho Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KATRINA WEST

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DATE: 03/29/05      TIME: 9:30      DEPT: R15P  
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CASE #: RC RS00435

CASE NAME: FREDESVINDA THORNE

HEARING:  
FIRST ACCT CURRENT & REPORT

COUNSEL:  
ARTHUR A CAPPILLA      (PET)...BARBARA E BOWERSOCK  
FREDESVINDA THORNE      (PCE)...

GENERAL INFORMATION covers 12-3-03 through 12-2-04.

THIS CASE IS SET FOR HEARING ON first account current.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is a private professional Conservator nominated by the VA to act as Conservator. The VA would not release benefits to the Conservatee without the appointment of a Conservator.
2. Petitioner requests fees in the amount \$3,795 representing 40.25 hours at \$90 per hour and 3.5 hours at \$50 per hour. The amount is generally itemized, but not specifically itemized. Judge to decide if the court wants a more specific itemization. Also \$90 per hour exceeds the normal maximum for this area of \$75 per hour. Judge to decide.
3. Attorney requests fees in the amount of \$2,750 representing 11 hours at \$250 per hour.
4. Petitioner requests that the court allow him to take \$250 per month in advance payment on fees for the coming accounting period.
5. It should be noted that the requested attorney and Conservator fees exceed 50% of the current value of the estate.
6. Petitioner requests that bond be increased by \$6,000.
7. Accounting looks ok.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for next accounting for 3-6-07, to cover 12-3-04 through 12-2-06.

Rancho Superior Court

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KATRINA WEST

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DATE: 03/29/05      TIME: 9:30      DEPT: R15P  
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CASE #: RC RS00507

CASE NAME: CHRISTOPHER JOSEPH HOLGUIN

HEARING:

Petition for Appointment of Conservator

COUNSEL:

JESSE HOLGUIN SR                      (PET)...WILLIAM E WINDHAM  
YOLANDA HOLGUIN                      (PET)...WILLIAM E WINDHAM  
CHRISTOPHER JOSEPH HOLGUIN      (PCE)...  
INLAND COUNTIES REGIONAL CENTE(AGN)...PRO/PER

GENERAL INFORMATION: Temporary letters issued September 27, 2004. Continued from 11-23-04. Court referred the matter to Inland Regional Center for a report and recommendation. Report is in the file. Note that the report recommends a limited conservatorship rather than a general. However, establishment of a limited is not mandatory. Court determined that notice was complete. Continued from 2-1-05. Nothing new filed.

THIS CASE IS SET FOR HEARING ON: Petition for conservatorship of the person only.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner seeks medical powers under Pr. C. § 2355(a). Please file capacity declaration.
2. Proposed conservatee is apparently developmentally disabled.
3. Proposed conservatee will attend the hearing.
4. Conservatee **CAN** complete the Affidavit of Voter Registration.
5. Court previously dispensed notice to maternal and paternal grandparents and conservatee's brothers and sister.

RECOMMENDATION:

None.

Rancho Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KATRINA WEST

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DATE: 03/29/05      TIME: 9:30      DEPT: R15P  
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CASE #: RC RS00509

CASE NAME: MARJORIE C ERRETT

HEARING:  
Report Sale and Petition for Order Confirming Sale of Real  
Property.

COUNSEL:  
DONNA J SHILINSKY      (PET)...JOHN J RANK  
MARJORIE C ERRETT      (PCE)...

Address	8950 Balsa, Rancho Cucamonga APN# 0208-441-14
Appraised value	\$268,000
Sale price	\$295,000
First overbid	\$310,250
Deposit	<b>\$5,000 10% required. Petitioner alleges 10% will be deposited prior to hearing. No proof as of this review.</b>
Commission	6%
Additional bond	None
Reason for sale	Pay debts and expenses
Exposure to market	Multiple listings.
Notice	File proof of publication.

Rancho Superior Court  
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HONORABLE JUDGE KATRINA WEST

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DATE: 03/29/05      TIME: 9:30      DEPT: R15P  
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CASE #: RC RS00530

CASE NAME: LORRAYNE GARRITY

HEARING:  
Petition for Appointment of Conservator

COUNSEL:  
RICHARD T WEAVER      (PET)...HOWARD R HAWKINS  
LORRAYNE GARRITY      (PCE)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for conservatorship of the person and the estate.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Medical powers are sought. File capacity declaration.
2. Dementia powers are sought. File capacity declaration.
3. Dementia powers are sought. Court must appoint counsel to represent the Conservatee.
4. Petitioner is not seeking 2590 powers, therefore bond in the amount of \$520,000 appears sufficient.
5. Petition indicates that the Conservatee is medically incapable of attending hearing. File medical declaration.
6. Need Court Investigator report.

RECOMMENDATION: If petition granted court will have to set future dates. Set hearing for the filing of the inventory and appraisal for 9-20-05. Set hearing for accounting for 5-9-06. Accounting to be filed 30 days in advance of the hearing date.

Rancho Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KATRINA WEST

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DATE: 03/29/05      TIME: 9:30      DEPT: R15P  
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CASE #: RC RS00531

CASE NAME: ANGELINA SACCO McCLAIN

HEARING:  
Petition for Appointment of Conservator

COUNSEL:  
MARLA M HARRIS      (PET)...MARGARET HELEN ARTER  
ANGELINA SACCO MCCLAIN      (PCE)...

GENERAL INFORMATION Temporary letters issued 2-4-05.

THIS CASE IS SET FOR HEARING ON Petition for conservatorship of the person and the estate.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Medical and dementia powers are sought. Capacity declaration supports requests, however, it does not support administration of dementia meds.
2. Dementia powers are sought. Court must appoint counsel to represent the Conservatee.
3. Section 7(b) of the capacity declaration is not completed where doctor was to initial the document. File supplement.
4. Powers pursuant to Pr.C. § 2590 are sought. Such powers are granted in the discretion of the court. Petitioner must set forth each power sought and the reason that each power is needed. In the absence of such a statement the court does not have the ability to properly exercise its discretion. Please provide the declaration containing powers requested and reasons for each. Here there is not even a list of the powers sought.
5. Need Court Investigator report.
6. File notice of hearing and proof of service.
7. Petitioner is requesting powers in section 1(f) of the petition. File declaration supporting request and listing the specific powers sought.



**RECOMMENDATION:**

If petition granted court will have to set future dates. Set hearing for the filing of the inventory and appraisal for 9-20-05. Set hearing for accounting for 5-9-06. Accounting to be filed 30 days in advance of the hearing date.

Rancho Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KATRINA WEST

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DATE: 03/29/05      TIME: 9:30      DEPT: R15P  
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CASE #: RG RS00511

CASE NAME: GUARDIANSHIP OF CHRISTOPHER COOPER

HEARING:  
FIRST ACCT CURRENT & REPORT

COUNSEL:  
DEBBIE COOPER      (PET)...LAMB MORRIS & LOBELLO  
CHRISTOPHER COOPER      (DEC)...

GENERAL INFORMATION first account current covering 6-24-97 through 12-31-04.

THIS CASE IS SET FOR HEARING ON first account current.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of hearing and proof of service including notice to minor.
2. Petitioner is not requesting fees.
3. Attorney requesting fees of \$5,360.50 representing 34.4 hours at \$185 per hour plus costs of \$47.85. Amount is itemized.
4. Assets are kept in a blocked account except for interest and rent from real property of the estate. Those assets are turned over to guardian to cover the needs of the minor. It would appear that the majority of this money is spent for the extras that a minor would need or want, such as computer and supplies, musical instruments, trips, etc. The non-liquid asset of the estate is a ¼ interest in a house. The house is now in escrow.
5. Accounting appears ok. There are no objections in the file.
6. Minor will attain the age of majority on 6-17-05.

RECOMMENDATION: If petition granted court will have to set future dates. Set hearing for next accounting for 9-6-05, to cover 1-1-05 through 6-17-05. This would be a final accounting.

Rancho Superior Court  
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HONORABLE JUDGE KATRINA WEST

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DATE: 03/29/05      TIME: 9:30      DEPT: R15P  
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CASE #: RG RS00775

CASE NAME: MICHAEL, CHRISTOPHER AND DESIRAY

HEARING:  
Petition for Termination of Guardianship

COUNSEL:  
ALICE MARY BURCIAGA      (PET)...PRO/PER  
MICHAEL L SHREWSBURY      (MIN)...  
CHRISTOPHER JAMES YOUNGER      (MIN)...  
DESIRAY STAR DAVIS      (MIN)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON petition for termination.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. On 2-1-05 the court granted the petition in relationship to Christopher Younger. And continued the matter as to Michael Shrewsbury. At the time of the hearing the court determined that Michael was living with his grandfather. Court ordered George Buciaaga, Sr. to file a petition for temporary guardianship. Nothing new has been filed.

RECOMMENDATION:  
None.

Rancho Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KATRINA WEST

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DATE: 03/29/05      TIME: 9:30      DEPT: R15P  
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CASE #: RG RS01313

CASE NAME: JUDITH & RICHARD HEBERLE

HEARING:  
Petition for Termination of Guardianship

	COUNSEL:
JANINE DITCH	(PET)...PAMELA EDWARDS-SWIFT
TOM DITCH	(PET)...PAMELA EDWARDS-SWIFT
JUDITH HEBERLE	(MIN)...
RICHARD HEBERLE	(MIN)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON petition to terminate guardianship

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioners are the guardian of the minor Judith Heberle. They indicate that the minor has returned to live with her mother. They indicate that the mother is no longer a danger to the minor.
2. File notice of hearing and proof of mailed service on Court Investigator, paternal grandparents, and minor Judith or file due diligence declarations.

RECOMMENDATION:  
None.

Rancho Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KATRINA WEST

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DATE: 03/29/05      TIME: 9:30      DEPT: R15P  
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CASE #: RG RS01349

CASE NAME: BRANDYN K JACKSON

HEARING:  
Hearing re: Inventory and appraisal

COUNSEL:  
MICHAEL J MCCOY      (PET)...PRO/PER  
BRANDYN K JACKSON      (MIN)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal and O.S.C. re failure to file inventory and appraisal.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No inventory and appraisal has been filed. Petitioner appeared by phone on 2-1-05 and was advised of the need to file the document and the fact that the matter was being set for O.S.C. re failure to file.

RECOMMENDATION:  
None.

Rancho Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KATRINA WEST

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DATE: 03/29/05      TIME: 9:30      DEPT: R15P  
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CASE #: RG RS01597

CASE NAME: ARLENE M CONTRERAS

HEARING:  
Petition for Appointment of Guardian

COUNSEL:  
KARLA V TOVAR                      (PET)...PRO/PER  
ARLENE M CONTRERAS              (MIN)...  
COURT INVESTIGATOR              (AGN)...PRO/PER

GENERAL INFORMATION: Temporary letters issued 12-28-04. Continued from 2-1-05. At the time of the 2-1 hearing the father appeared and objected. Court ordered father to file written objections. No objections have been filed. If court continues matter for filing of written objections or response and party fails to serve and file a timely objection or response, the court may deem the objection or response waived. (Cal. Rule of Court 7.801.) Court referred the matter to the Court Investigator for a report and recommendation. We are awaiting the report. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by caregiver, minor 6.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of hearing and proof of service per order prescribing notice.
2. Court has referred the matter to Court Investigator for report and recommendation.
3. Need D.C.S. report as petitioner not related to minor.
4. Court may wish to review confidential screening form.

RECOMMENDATION:  
None.

Rancho Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KATRINA WEST

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DATE: 03/29/05      TIME: 9:30      DEPT: R15P  
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CASE #: RG RS01611

CASE NAME: ALTHEA & THEODORE GRAHAM

HEARING:  
Petition for Appointment of Guardian

	COUNSEL:
NANCY Y PAISLEY	(PET)...SUSAN J CHAPKIS
ALTHEA GRAHAM	(MIN)...
THEODORE GRAHAM	(MIN)...

GENERAL INFORMATION This matter has been continued from 2-1 and 2-22-05. The court had information that there was a proceeding in Nevada. The court received information from the State of Nevada that the custody matters in that state were terminated. At that point the court appointed petitioner temporary guardian. Nothing else new has been filed.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by maternal grandmother, minors 7 and 4.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of hearing and proof of personal service on parents.
2. File notice of hearing and proof of mailed service on maternal grandfather, paternal grandparents and Court Investigator.

RECOMMENDATION:  
None.

Rancho Superior Court

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KATRINA WEST

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DATE: 03/29/05      TIME: 9:30      DEPT: R15P  
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CASE #: RG RS01621

CASE NAME: DANIELLE FRANCO & VERONICA CLARK

HEARING:

Petition for Appointment of Guardian

COUNSEL:

MARTHA TERRAZAS	(PET)...PRO/PER
DANIELLE FRANCO	(MIN)...
VERONICA CLARK	(MIN)...

GENERAL INFORMATION Temporary letters issued 2-14-05.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by maternal grandmother, minors 11 and 6.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of hearing and proof of service per order prescribing notice.
2. Court may wish to review the confidential screening form.

RECOMMENDATION:

None.



Rancho Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KATRINA WEST

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DATE: 03/29/05      TIME: 9:30      DEPT: R15P  
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CASE #: RG RS01623

CASE NAME: DESTINY MARTINEZ

HEARING:  
Petition for Appointment of Guardian

COUNSEL:  
FRANCISCA SERRANO      (PET)...PRO/PER  
RIGOBERTO RODRIGUEZ      (PG )...  
DESTINY MARTINEZ      (MIN)...

GENERAL INFORMATION Temporary letters issued 2-10-05.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by maternal grandmother and step maternal grandfather, minor 3.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of hearing and proof of service per order prescribing notice.
2. Court may wish to review the confidential screening form of Rigoberto Rodriguez.
3. Rigoberto Rodriguez did not sign front of guardianship questionnaire.

RECOMMENDATION:  
None.

Rancho Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JANET M FRANGIE

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DATE: 03/29/05      TIME: 9:30      DEPT: R16P  
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CASE #: RC RS00126

CASE NAME: CONSERVATORSHIP OF HAROLD CAUDLE

HEARING:  
SEVENTH ACCT CURRENT & REPORT

COUNSEL:  
MARTHA BEAVERS                      (PET)...LAYNE A BARTHOLOMEW  
HAROLD CAUDLE                      (PCE)...MALCOLM S MACMILLAN  
FRANCES BEYERSDORF                      (OBJ)...

GENERAL INFORMATION Accounting covers 3-5-04 through 12-21-04. Conservatee died on 6-27-04.

THIS CASE IS SET FOR HEARING ON seventh and final accounting.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of hearing and proof of service.
2. Conservator is not a professional Conservator. She charges \$65 per hour for her time. The majority of the time billed for in this accounting period is for visiting the Conservatee on approximately a weekly basis. Toward the end of the Conservatee's life the petitioner visited him on a daily basis. Petitioner requests fees of \$2,339.35 representing 35.99 hours at \$65 per hour. Petitioner contends that the Conservatee had extreme mental problems and it appeared to contain these problems if she visited him on a regular basis. Petitioner's contention is that the Conservatee was a difficult client and that is the basis of the high charge. It should be noted that the court has previously approved this fee rate for this petitioner.
3. Petitioner had 2 attorneys during this accounting period. John Michus requests fees of \$2,540 representing 12.7 hours at \$200 per hour. Layne Bartholomew requests fees of \$1,740 representing 8.7 hours at \$200 per hour. Amounts are itemized.

4. Petitioner is also the administrator of the estate of the decedent. She will turn the assets over to herself as the personal representative of the estate.
5. Accounting looks ok.

**RECOMMENDATION:**

If petition granted court will have to set future dates. Set hearing for filing of receipts and discharge for 5-9-06.

Rancho Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JANET M FRANGIE

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DATE: 03/29/05      TIME: 9:30      DEPT: R16P  
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CASE #: RC RS00134

CASE NAME: ISRAEL D MORENO

HEARING:  
OSC re: sanctions for failure to post supp bond

COUNSEL:  
ISRAEL F MORENO      (PET)...ROBERT D HIDALGO  
ISRAEL D MORENO      (PCE)...

GENERAL INFORMATION No file available for review.

Rancho Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JANET M FRANGIE

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DATE: 03/29/05      TIME: 9:30      DEPT: R16P  
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CASE #: RC RS00327

CASE NAME: MARY MC GANNON

HEARING:  
SECOND and Final Account and Report.

COUNSEL:  
SANDRA LEE WARMOTH      (PET)...CAMPBELL, PAIVA & ASSOCIATES  
MARY MC GANNON      (CEP)...  
PAUL E MCGANNON      (OBJ)...COVINGTON & CROWE

GENERAL INFORMATION While the calendar page indicates that it is a final accounting it is not really. The petitioner alleges that during the life of the Conservatee a trust was created by the husband of the Conservatee for the purpose of caring for the Conservatee. The trustee, Paul McGannon, is alleged to have misappropriated the assets of the trust to the detriment of the Conservatee. The petitioner wants to sue him on behalf of the conservatorship estate and requests that the court retain jurisdiction over the estate until such time as the litigation is complete pursuant to Pr. C. § 2630. That section allows the court to retain jurisdiction over the conservatorship for settling accounts. Accounting covers 4-5-02 through 1-13-04. Conservatee died on 8-13-03.

THIS CASE IS SET FOR HEARING ON second and final account.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Appointed counsel for the Conservatee requests fees of \$2,695. Amount is itemized in the amount of \$1,995. The remainder of the bill is listed as "3-8-02 Last Bill Amount \$700". Itemization does not indicate if that amount was previously approved.
2. Attorney for Conservator requests fees of \$1,025. Do not see itemization.
3. There are no funds with which to pay either counsel at this time.
4. Petitioner is waiving fees.

5. The estate has been running and continues to run in the red. The estate was apparently loaned \$34,548.32 by Mark Warmoth. Mr. Warmoth is not identified other than by name.
6. Petitioner has reimbursed herself \$1,580 during the accounting period. The basis of the reimbursement is not stated.
7. Petitioner has filed receipts for all expenditures.
8. File notice of hearing and proof of service.

**RECOMMENDATION:**

Court has already set this matter for status report re the civil litigation. The petitioner has failed to file a status report. See next page on calendar. Court should not rule on this accounting until all accounting matters have been resolved. Continue to trail the litigation.

Rancho Superior Court  
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HONORABLE JUDGE JANET M FRANGIE

-----  
DATE: 03/29/05      TIME: 9:30      DEPT: R16P  
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CASE #: RC RS00327

CASE NAME: MARY MC GANNON

HEARING:  
Hearing Re: STATUS OF THE CIVIL ACTION.

COUNSEL:  
SANDRA LEE WARMOTH      (PET)...CAMPBELL, PAIVA & ASSOCIATES  
MARY MC GANNON      (CEP)...  
PAUL E MCGANNON      (OBJ)...COVINGTON & CROWE

GENERAL INFORMATION see preceding page.

THIS CASE IS SET FOR HEARING ON status of civil action.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The petitioner has not filed a status report re the civil litigation.

RECOMMENDATION:

Suggest the court set the matter for an O.S.C. re failure to file required documents and sanctions. Issue a citation and have it personally served on the Conservator.

Rancho Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JANET M FRANGIE

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DATE: 03/29/05      TIME: 9:30      DEPT: R16P  
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CASE #: RC RS00362

CASE NAME: BERTHA S ERLICH

HEARING:  
FIRST ACCT CURRENT & REPORT

COUNSEL:  
CONSTANCE FENSKE      (PET)...PRO/PER  
BERTHA S ERLICH      (PCE)...

GENERAL INFORMATION: Continued from August 3, October 19, 11-16-04 and 1-11-05. A final inventory and appraisal has never been filed. A partial was filed 9-9-02. A corrected inventory and appraisal was filed on 3-11-04, which corrects the 9-9-02 inventory and appraisal, and another partial was filed on the same day. Neither document indicates that it is the final. The petitioner has now filed an accounting that is deficient. As we do not have a final inventory and appraisal, we do not have a starting baseline for the accounting. The accounting covers 1-18-02 through 12-31-03. Petitioner has filed an amended accounting that does not correct all of the deficiencies. Nothing new filed.

THIS CASE IS SET FOR HEARING ON first account current.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The petitioner was appointed on 12-12-01. However, the accounting does not begin until 1-18-02. Why? **In the amended accounting the petitioner alleges that the accounting does not begin until 1-18-02 because she did not have letters issued until that day.**
2. Conservator indicates that she is requesting \$25 per month for the term of the accounting. The accounting covers 23.5 months. This would be \$587.50. Petitioner indicates that the amount is \$805. Schedule C(3) indicates that the amount for fees is 23.5 months for \$587.50, \$10 per month for bank service



charge for \$230 and copies and special handling for \$25. So it would therefore appear that the request is for \$25 per month plus costs. **Petitioner alleges that she is requesting the \$550. She indicates she paid herself out of the checking account and put it back into the savings. I think this means that she hasn't been paid yet and is requesting to be paid. She also paid herself \$5,000 for lost work. She took a month off work when Conservatee had surgery to care for the Conservatee. She asks the court to approve these items.**

3. Counsel requests fees of \$4,500. Provide an itemization. **Counsel has now indicated that she worked 12.5 hours at \$300 per hour and requests \$3,700. Actually 12.5 hours would be \$3,750, but that is not what is requested. However, upon learning that the norm in this community is no more than \$250 per hour counsel has reduced her request for fees to \$3,125 representing 12.5 hours at \$250 per hour. This is within the accepted parameters. The amount is not itemized.**
4. File notice of hearing and proof of service. Petitioner receives VA benefits. Notice VA. **A notice of hearing and proof of service was filed as to the 3-16 court date. It does not appear that anyone was given notice of the amended accounting.**
5. In the disbursements there are multiple entries for payment of credit cards. Why were credit cards used? Also there is no itemization of what the expenditures were for, please provide itemization. **Petitioner indicates that Conservatee used the credit cards before the conservatorship was established and Conservator paid off the cards. The Conservator then took out a \$7,500 cash advance to cover the needs of the Conservatee when she got out of the hospital. She continues to use the cards to buy bulk items and prescriptions for the Conservatee. Judge to decide if use of cards should continue.**
6. Please provide explanations for expenditures for Waldheim, Comfort Keepers (provides the care givers), General Care Foundation, VEW (per supplement should have been VFW for a donation), Home Instead, MF (grandson of Conservatee for doing odd jobs around the house), Charles (birthday gift from Conservatee to Charles Fenske), Orlando Sanchez, Roselea Maldonado, Sharilyn Pawleavitz, Marcia Riwudjerty, Debra Cash, Karl, Karne Rodgers, Martha King, Amanda Marceau, Florita Jackson, cash withdrawals (petitioner alleges that this was for miscellaneous needs of caregivers or Conservatee) and faculty prof LL (this is a pharmacy and was for medicine for Conservatee). **The new accounting shows that Waldheim and General Care Foundation are for cemetery and perpetual care for the Conservatee. In the new accounting I do not find checks written for VEW, MF or faculty prof LL. Do not know what happened to those entries. The named persons are alleged to have been care givers. If the court elects the court can require that the Conservator provide declarations by these individuals that they were in fact**

**paid the amounts indicated and that they did render care for the Conservatee. Judge to decide.**

- 7. The amended accounting lists bills for grocery, phone, electrical, etc. There is no indication that the amount charged reflects that which is used exclusively for the benefit of the Conservatee. There is no breakdown in how it is determined what portion of the phone or electric bills have been divided among other household members.(In a supplement the Conservator states that these bills were paid on a random basis as needed for the care of the Conservatee. She alleges that the Conservatee paid the electric bill 7 months out of 23.5 months and paid the phone bill once.**
- 8. Please indicate why bond was paid for twice: 1-20-02 and 2-4-02.**

**RECOMMENDATION:**

If petition granted court will have to set future dates. Set hearing for the next account for 3-7-06, to cover the period of 1-1-04 through 12-31-05. Accounting to be filed 30 days in advance.

Rancho Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JANET M FRANGIE

-----  
DATE: 03/29/05      TIME: 9:30      DEPT: R16P  
-----

CASE #: RC RS00450

CASE NAME: ERNA BEHN HAKANSON

HEARING:  
Accounting Review

COUNSEL:  
BRENDA TEPICH                      (PET)...ROBBINS & HOLDAWAY  
ERNA BEHN HAKANSON              (PCE)...CHRISTINA FERRANTE

GENERAL INFORMATION No file available for review.

Rancho Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JANET M FRANGIE

-----  
DATE: 03/29/05      TIME: 9:30      DEPT: R16P  
-----

CASE #: RC RS00492

CASE NAME: JUDY A CROWELL

HEARING:  
Hearing Re: TERMINATION OF CONSERVATORSHIP.

COUNSEL:  
MELISSA DURAN                      (PET)...MITCHELL I ROTH  
JUDY A CROWELL                      (PCE)...DONNASUE SMITH-ORTIZ  
COURT INVESTIGATOR                      (TP )...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON petition to terminate conservatorship on waiver of account.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner alleges that the Conservatee is now capable of caring for herself and requests that the conservatorship be terminated. This request is based upon the stipulation of the parties.
2. Conservatee has signed a waiver of accounting.
3. Conservator waives fees.
4. Assets have been kept in a blocked account. Petitioner requests authority of the court to turn the assets over to the Conservatee.
5. Attorney requests fees of \$9,720 representing 47.6 hours at \$200 per hour. Amount is itemized.

RECOMMENDATION:

Recommended for approval absent objection. Set hearing for filing of receipts and discharge for 5-9-06.



Rancho Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JANET M FRANGIE

-----  
DATE: 03/29/05      TIME: 9:30      DEPT: R16P  
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CASE #: RC RS00492

CASE NAME: JUDY A CROWELL

HEARING:

Petition for FOR ATTY FEES AND OFR ORDER DIRECTING PAYMENT TO  
COURT APPOINTED COUNSEL

COUNSEL:

MELISSA DURAN	(PET)...MITCHELL I ROTH
JUDY A CROWELL	(PCE)...DONNASUE SMITH-ORTIZ
COURT INVESTIGATOR	(TP )...PRO/PER

GENERAL INFORMATION This case is the same case that is on the preceding page.

THIS CASE IS SET FOR HEARING ON petition for attorney fees for court appointed counsel.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Court appointed counsel requests fees of \$3,138.75 representing 13.95 hours at \$225 per hour. Amount is itemized.
2. There is no objection in the file.

RECOMMENDATION:

Recommended for approval absent objection.

Rancho Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JANET M FRANGIE

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DATE: 03/29/05      TIME: 9:30      DEPT: R16P  
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CASE #: RC RS00532

CASE NAME: CASSANDRA MARIE MILLER

HEARING:  
Petition for Appointment of Conservator

COUNSEL:  
JULIA L MILLER      (PET)...PRO/PER  
CASSANDRA MARIE MILLER      (PCE)...

GENERAL INFORMATION No file available for review.

Rancho Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JANET M FRANGIE

-----  
DATE: 03/29/05      TIME: 9:30      DEPT: R16P  
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CASE #: RC RS00532

CASE NAME: CASSANDRA MARIE MILLER

HEARING:  
Petition for Authority to Consent to Medical Treatment.

COUNSEL:  
JULIA L MILLER      (PET)...PRO/PER  
CASSANDRA MARIE MILLER      (PCE)...

GENERAL INFORMATION No file available for review.



Rancho Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

-----  
DATE: 03/29/05      TIME: 10:30    DEPT: R17P  
-----

CASE #: RPRRS01220

CASE NAME: ESTATE OF GUADALUPE CERDA PARTIDA

HEARING:

Hearing Re: STATUS REPORT AND/OR ACCOUNTING REVIEW.

COUNSEL:

DIANE J ANDRADE                      (PET)...LAMB MORRIS & LOBELLO  
GUADALUPE CERDA PARTIDA        (DEC)...  
S K STAR INC                      (TP )...JAMES BRUCE MINTON  
MANUEL V MORENO                      (RITCHIE KLINKERT & MCCALLION )...RITCHIE K

GENERAL INFORMATION continued from 1-11-05. Nothing new filed.

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No accounting/status report filed.

RECOMMENDATION:

If the personal representative fails to file a required account, the court shall compel the account by punishment for contempt. (Pr.C. § 11050). The court shall issue a citation requiring the personal representative who does not file the account to appear and show cause why he/she should not be punished by contempt. (Pr.C. § 11051(a)). If the personal representative does not appear and file the account the personal representative may be punished by contempt or removal from office or both. (Pr.C. § 11052).

Rancho Superior Court

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

-----  
DATE: 03/29/05      TIME: 10:30    DEPT: R17P  
-----

CASE #: RPRRS01220

CASE NAME: ESTATE OF GUADALUPE CERDA PARTIDA

HEARING:

Report Sale and Petition for Order Confirming Sale of Real  
Property.

COUNSEL:

DIANE J ANDRADE                      (PET)...LAMB MORRIS & LOBELLO

GUADALUPE CERDA PARTIDA        (DEC)...

S K STAR INC                      (TP )...JAMES BRUCE MINTON

MANUEL V MORENO                      (RITCHIE KLINKERT & MCCALLION )...RITCHIE K

GENERAL INFORMATION Continued from 1 -11-05. Nothing new filed.

Address                      7240 Pine Ave., Chino includes APN# 1056-271-04 and  
1056-271-05

Appraised value                      **Alleges reappraisal for sale was \$1,044,000. Do not find that  
reappraisal in file.**

Sale price                      \$1,044,000

First overbid                      \$1,096,700

Deposit                      **Petitioner alleges that it is waived under the I.A.E.A. This is  
not permissible. If the petitioner wishes to proceed with a  
sale under the I.A.E.A. they are permitted to do so.  
however, if they want the court to confirm the sale then they  
must proceed under the rules set forth in the code. A 10%  
deposit is required.**

Commission                      6%

Additional bond	<b>It is alleged that assets will be deposited in a blocked account. Court will need to set a control date for proof.</b>
Reason for sale	Pay debts and expenses.
Exposure to market	<b>None specified.</b>
Notice	<b>File notice of hearing and proof of service. File proof of publication.</b>

Rancho Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

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DATE: 03/29/05      TIME: 10:30      DEPT: R17P  
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CASE #: RPRRS01574

CASE NAME: DAVID A HAMPSTEAD

HEARING:  
Hearing re Final Discharge

COUNSEL:  
WELLS FARGO BANK      (PET)...THOMAS  
DAVID A HAMPSTEAD      (DEC)...

GENERAL INFORMATION continued from 6-8-04, 9-9-03 and 10-21-03. On 6-8-04 the petitioner filed a declaration indicating that 705 estate tax return needed to be filed. On 12-3-04 counsel submitted a statement indicating that the 706 tax return had been cleared, but they were still awaiting a clearance on the 1041. Nothing new filed.

THIS CASE IS SET FOR HEARING ON filing of receipts and final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Receipts filed.
2. Need final discharge order.

RECOMMENDATION:  
Require counsel to file declaration as to why discharge has not been filed.

Rancho Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

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DATE: 03/29/05      TIME: 10:30      DEPT: R17P  
-----

CASE #: RPRRS02180

CASE NAME: LAWRENCE A CARPENTIER

HEARING:  
Hearing re Final Discharge

COUNSEL:  
RICHARD J CARPENTIER      (PET)...PRO/PER  
LAWRENCE A CARPENTIER      (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON filing of receipts and final discharge.

1. No receipts or discharge have been filed. Clerk has given notice.

RECOMMENDATION:

Suggest the court set the matter for an O.S.C. re failure to file required documents and sanctions. Issue a citation and have it personally served on the administrator.

Rancho Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

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DATE: 03/29/05      TIME: 10:30      DEPT: R17P  
-----

CASE #: RPRRS02312

CASE NAME: PHILIP EUGENE ARDRON JR

HEARING:  
FIRST and Final Account and Report.

COUNSEL:  
ARLEEN ARDRON                      (PET)...THOMAS W SARDONI  
PHILIP EUGENE ARDRON JR      (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON first and final report and account.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of hearing and proof of service.
2. The petitioner and counsel waive fees.

RECOMMENDATION:

Recommended for approval subject to number 1. Set hearing for filing of receipts and final discharge order for 5-9-06.

Rancho Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

-----  
DATE: 03/29/05      TIME: 10:30      DEPT: R17P  
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CASE #: RPRRS02316

CASE NAME: RAYMOND P QUINN

HEARING:  
FIRST and Final Account and Report.

COUNSEL:  
MICHAEL R QUINN      (PET)...JM WOOD AND ASSOCIATES  
RAYMOND P QUINN      (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON first and final account and report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of hearing and proof of service.
2. Petition indicates that assets were not kept in an interest bearing account. Why?  
**Per supplement, over advice of counsel, petitioner elected to not change bank account to an interest bearing account when assets were received in 10-04. Petitioner believed that distribution would soon follow.**
3. Petitioner distributed to Stephen L. Quinn \$20,833.50. Stephen is not a beneficiary of this estate. The beneficiary of this estate is the estate of Sarah Quinn. Stephen is a beneficiary of the estate of Sarah Quinn. Petitioner requests that the court approve this disbursement.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for filing of receipts and final discharge order for 5-9-06.

Rancho Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

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DATE: 03/29/05      TIME: 10:30      DEPT: R17P  
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CASE #: RPRRS02317

CASE NAME: SARAH L QUINN

HEARING:  
FIRST and Final Account and Report.

COUNSEL:  
MICHAEL R QUINN      (PET)...JM WOOD AND ASSOCIATES  
SARAH L QUINN      (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON first and final account and report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Assets were not kept in an interest bearing accounting. Why? **Per supplement, over advice of counsel, petitioner elected to not change bank account to an interest bearing account when assets were received in 10-04. Petitioner believed that distribution would soon follow.**
2. Petitioner requests permission to withhold \$10,000 for potential capital gains tax.
3. Statutory fees are \$8,000. Petitioner alleges that if additional assets are discovered petitioner and counsel would be entitled to 3% as additional fees. This is incorrect. They would be entitled to 2%.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for filing of receipts and final discharge order for 5-9-06.



Rancho Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

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DATE: 03/29/05      TIME: 10:30      DEPT: R17P  
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CASE #: RPRRS02320

CASE NAME: TERESA KATHLEEN MARCHINI

HEARING:  
FIRST AND FINAL ACCT CURRENT & REPORT  
COUNSEL:  
NANCY DEGE                      (PET)...PRO/PER  
TERESA KATHLEEN MARCHINI      (DEC)...

GENERAL INFORMATION: Court set the matter for O.S.C. re failure to appear and why sanctions of \$250 should not be imposed. The petitioner was served with the citation. The cost of service of the citation was \$30. Petitioner has filed a response requesting that sanctions not be imposed in that she was under the mistaken belief that her appearance was not required at the 1-18-05 hearing.

THIS CASE IS SET FOR HEARING ON first and final account and request for distribution. And O.S.C. re why sanctions of \$250 should not be imposed for failure to appear.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Statutory fees for the self represented litigant administrator are \$8,232.
2. Petitioner advanced funds to the estate in the amount of \$46,326.16. The amount is itemized. She has already reimbursed herself.
3. It appears that the petitioner has already disbursed the assets. There is a receipt from the sole beneficiary.
4. The sole beneficiary has waived an accounting.
5. Petitioner has now paid the additional \$71.50 in filing fees owed.
6. File order after hearing on first and final.

RECOMMENDATION:

Court should sanction the administrator \$30 for the cost of service of the citation. Once the petitioner has filed an order after hearing on first and final and it is signed then the court can sign the final discharge order in that the receipts have already been filed. Even though receipts and discharge have been filed we still need a court date to insure

compliance with the requirement that an order after hearing be filed. Suggest court set hearing to insure compliance for 9-20-05.

Rancho Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

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DATE: 03/29/05      TIME: 10:30      DEPT: R17P  
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CASE #: RPRRS02347

CASE NAME: KATHY SHEN

HEARING:  
Accounting Review

	COUNSEL:
SANDRA SHEN	(PET)...JOHN L SHAW
KATHY SHEN	(DEC)...
DEBORAH L CHIOU	(OBJ)...ROBERT S OCHS

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter is set for accounting review. No accounting has been filed.
2. It should be noted that matter is also set for 4-12-05 for filing of inventory and appraisal. That matter has already been continued a number of time. No inventory and appraisal has been filed to date.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall compel the account by punishment for contempt. Pr.C. § 11050. Issue a citation and have it personally served for OSC re: Why the Personal Representative should not be punished for contempt. If the personal representative does not appear and file the accounting, the representative may be punished for contempt or removed from office or both. Pr.C. § 11052.

Rancho Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

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DATE: 03/29/05      TIME: 10:30      DEPT: R17P  
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CASE #: RPRRS02353

CASE NAME: DORIS MARIE JEFFERIS

HEARING:  
Accounting Review

COUNSEL:  
BARBARA R JEFFERIS      (PET)...VARNER, SALESON & BRANDT LLP  
DORIS MARIE JEFFERIS      (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter is set for accounting review. No accounting has been filed. Clerk has given notice.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall compel the account by punishment for contempt. Pr.C. § 11050. Issue a citation and have it personally served for OSC re: Why the Personal Representative should not be punished for contempt. If the personal representative does not appear and file the accounting, the representative may be punished for contempt or removed from office or both. Pr.C. § 11052.

Rancho Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

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DATE: 03/29/05      TIME: 10:30    DEPT: R17P  
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CASE #: RPRRS02356

CASE NAME: COLLEEN M CHERASIA

HEARING:  
Waiver of account and for final distribution.

COUNSEL:  
SHARON MOREY                      (PET)...THOMAS J GAFNEY  
COLLEEN M CHERASIA              (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON first and final report on waiver of account

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of hearing and proof of service.
2. Statutory fees are \$8,600. Petitioner waives fees.
3. Did decedent's predeceased spouse receive health care benefits under the provisions of Chapter 7 or 8, part 3, division 9 of the Welfare and Institutions Code? File supplemental.
4. Accounting fails to include statement disclosing any familial/affiliate relationship between fiduciary and agent hired by administrator during accounting period, if any. Pr.C. § 1064. Provide supplement.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for filing of receipts and final discharge order for 5-9-06.

Rancho Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

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DATE: 03/29/05      TIME: 10:30      DEPT: R17P  
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CASE #: RPRRS02357

CASE NAME: APOSTOLOS GEORGE GOFAS

HEARING:  
Accounting Review

COUNSEL:  
GENINE R BEST                      (PET)...RUSSELL P NOWELL  
APOSTOLOS GEORGE GOFAS      (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter is set for accounting review. No accounting has been filed. Clerk has given notice.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall compel the account by punishment for contempt. Pr.C. § 11050. Issue a citation and have it personally served for OSC re: Why the Personal Representative should not be punished for contempt. If the personal representative does not appear and file the accounting, the representative may be punished for contempt or removed from office or both. Pr.C. § 11052.

Rancho Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

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DATE: 03/29/05      TIME: 10:30    DEPT: R17P  
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CASE #: RPRRS02364

CASE NAME: MILDRED EDDY

HEARING:  
Accounting Review

	COUNSEL:
WILLIAM EDDY	(PET)...PATTERSON HANNA & ASSOC
MILDRED EDDY	(DEC)...
SHERRY EDDY	(RES)...MALCOLM S MACMILLAN

GENERAL INFORMATION: No file available for review.

Rancho Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

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DATE: 03/29/05      TIME: 10:30    DEPT: R17P  
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CASE #: RPRRS02364

CASE NAME: MILDRED EDDY

HEARING:  
Hearing re: Inventory and appraisal

	COUNSEL:
WILLIAM EDDY	(PET)...PATTERSON HANNA & ASSOC
MILDRED EDDY	(DEC)...
SHERRY EDDY	(RES)...MALCOLM S MACMILLAN

GENERAL INFORMATION: No file available for review.



Rancho Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

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DATE: 03/29/05      TIME: 10:30      DEPT: R17P  
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CASE #: RPRRS02373

CASE NAME: EMMA LILLIAN PALON

HEARING:

Waiver of account and for final distribution.

COUNSEL:

KAREN R KEHL	(PET)...BRUNICK BATTERSBY MCELHANEY &
SUSAN J DEBERRY	(PET)...BRUNICK BATTERSBY MCELHANEY &
EMMA LILLIAN PALON	(DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON first and final report on waiver of accounting.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. All heirs waive accounting.
2. Statutory fees are \$10,261.93. Petitioner waives fees.
3. Attorney requests reimbursement of costs expended in the amount of \$951.05.  
Amount is itemized.
4. File a graduated filing fee adjustment schedule in accord with California Rule of Court, Rule 7.552(f). It appears that an additional \$71.50 in fees is owed and must be paid before this petition can be approved.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for filing of receipts and final discharge order for 5-9-06.

Rancho Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

-----  
DATE: 03/29/05      TIME: 10:30      DEPT: R17P  
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CASE #: RPRRS02404

CASE NAME: MANUEL G MARTINEZ

HEARING:  
FIRST and Final Account and Report.

COUNSEL:  
PETRA T MARTINEZ      (PET)...BURKHALTER MICHAELS KESSLER &  
MANUEL G MARTINEZ      (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON first and final report and account.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of hearing and proof of service.
2. Was a due and diligent search conducted to locate reasonably ascertainable creditors? File supplemental.
3. Sole beneficiary waives accounting.
4. Petitioner is entitled to reimbursement of \$71.50 in overpaid filing fees.

RECOMMENDATION:

If petition granted court will have to set future dates. Court needs to order that the \$71.50 be reimbursed. Set hearing for filing of receipts and discharge for 5-9-06.

Superior Court of Calif, County of San Bernardino

Page: 17

Rancho Superior Court

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

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DATE: 03/29/05      TIME: 10:30    DEPT: R17P  
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CASE #: RPRRS02437

CASE NAME: RICHARD MARS PATTERSON

HEARING:

OSC re: FAILURE TO FILE REQUIRED DOCUMENTS AND SANCTIONS

COUNSEL:

KIMBERLY A PATTERSON      (PET)...RONALD BEN CLARY  
RICHARD MARS PATTERSON      (DEC)...

GENERAL INFORMATION: No file available for review.

Rancho Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

-----  
DATE: 03/29/05      TIME: 10:30      DEPT: R17P  
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CASE #: RPRRS02438

CASE NAME: HARALD OTTO KARL RICHTER

HEARING:  
Hearing re: Inventory and appraisal

COUNSEL:  
DENIS RICHTER                      (PET)...LAYNE A BARTHOLOMEW  
HARALD OTTO KARL RICHTER      (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The inventory and appraisal has not been filed.
2. The court was holding back on any sanctions for failure to file the inventory and appraisal until after the 850 petition was completed. Court ruled on that issue on 2-1-05.

RECOMMENDATION:

Suggest the court suspend powers and set the matter for an O.S.C. re failure to file required documents and sanctions. Issue a citation and have it personally served on the administrator.

Rancho Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

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DATE: 03/29/05      TIME: 10:30    DEPT: R17P  
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CASE #: RPRRS02513

CASE NAME: MANUELITA RITA RAMIREZ

HEARING:  
Hearing re: Inventory and appraisal

COUNSEL:  
FELIX LOVATO                      (PET)...ROBERT L KERN  
JANET LOVATO                      (PET)...ROBERT L KERN  
MANUELITA RITA RAMIREZ      (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Only a partial inventory and appraisal has been filed. When will final be filed?

RECOMMENDATION:

Court needs to determine when petitioner will file final inventory and appraisal and set control date to insure compliance.

Rancho Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

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DATE: 03/29/05      TIME: 10:30    DEPT: R17P  
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CASE #: RPRRS02608

CASE NAME: CATHY DIANE TWITCHELL

HEARING:  
Petition to determine succession to Real Property

COUNSEL:  
KIMBERLY DIANE HOYT      (PET)...PRO/PER  
KEVIN ROSS      (PET)...PRO/PER  
CATHY DIANE TWITCHELL      (DEC)...  
GENERAL INFORMATION: continued from 2-8-05. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition to determine succession to real property.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Sections 3 through 8 of the inventory and appraisal are not completed. File verified supplemental.
2. File order after hearing.

RECOMMENDATION:  
Recommended for approval subject to number 1.

Rancho Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

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DATE: 03/29/05      TIME: 10:30    DEPT: R17P  
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CASE #: RPRRS02629

CASE NAME: WANDA ANN BARTLETT

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

PATRICIA Y LOGAN      (PET)...SCOTT A BOURDELAIS  
WANDA ANN BARTLETT      (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition to administer, with full I.A.E.A authority and \$400,000 bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File proof of publication.
2. Petitioner requests that bond be set in the amount of \$400,000. This appears appropriate.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 9-20-05. Set hearing for filing of status report and/or accounting for 5-16-06. Any accounting to be filed 30 days in advance.

Rancho Superior Court

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

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DATE: 03/29/05      TIME: 10:30      DEPT: R17P  
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CASE #: RPRRS02630

CASE NAME: VIGIL REVOCABLE TRUST

HEARING:

Petition for ALLOW RASALIE D HERNANDEZ TO TRANSFER REAL PROPERTY  
BY DEED TO VIGIL REVOCABLE TRUST

COUNSEL:

ROSALIE D HERNANDEZ      (PET)...KRAMER & LOPEZ LLP

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON petition to transfer assets to trust.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The petitioner is the daughter of the settlors of the Virgil Revocable Trust. In 1993 they attempted to create a trust. Petitioner alleges that it was their belief that they held property in the trust for the entire time thereafter. They never actually transferred the asset to the trust.
2. The elements of a trust are: (a) manifestation of intent to create a trust; (b) trust property; (c) a valid purpose; and (d) a beneficiary. (Pr.C. §§ 15201, 15202, 15203 and 15205.) Here I do not find a schedule A in the trust. I do not find anything showing that at the time of the creation of the trust there were actual trust property. Had there been a Schedule A that included the property in question then under Estate of Heggstad (1993) 16 Cal. App. 4th 943 the property would have been deemed a part of the trust. I do not find that in this case.
3. Moving party is invited to provide points and authorities to support her position that first, a trust actually exists, and second, that this property should be deemed a part of the trust.

RECOMMENDATION:

Require moving party to file points and authorities to support their position.